

REIMBURSEMENT AGREEMENT BETWEEN COUNTY SERVICE AREA 70, IMPROVEMENT ZONE L AND ARTHUR L. SHORT

THIS AGREEMENT is made and entered into this 27th day of April 27, 2004, by and between **ARTHUR L. SHORT** at 8026 Flowerfield Street, Phelan, California 92371, (hereinafter called **APPLICANT**), and County Service Area 70, Improvement Zone L, CSA 70L, (hereinafter called **DISTRICT**).

RECITALS

WHEREAS, Ordinance Number SD 82-1 of the County of San Bernardino, entitled “An Ordinance of Named Special Districts and County Service Areas Regulating the Construction and Use of Public Water System Facilities,” (hereinafter called Ordinance) provides in Section 1.8.08, that where public water main extensions are constructed and paid for by **APPLICANT** and in the future benefit another person, the **APPLICANT** and the **DISTRICT** may enter into an agreement to reimburse to the **APPLICANT** the actual costs of constructing such extensions when a new owner has paid a charge to connect to the extension constructed by the **APPLICANT**.

WHEREAS, the **APPLICANT** desires a Reimbursement Agreement pursuant to Ordinance for a certain extension of that public water main located on Flowerfield Street in Phelan, California as more specifically shown on attached Exhibit “A”, and incorporated here as is fully set forth herein (hereinafter called the Improvement).

WHEREAS, the Improvement was constructed to allow the **DISTRICT** to provide water service to the following real property of **APPLICANT** located in Improvement Zone L, near Phelan, California, Assessor’s Parcel No. 3037-371-01.

WHEREAS, the **APPLICANT** and the **DISTRICT** have determined that the **APPLICANT’S** construction of the Improvement shall benefit certain other parcels generally within 660 feet of **APPLICANT’S** parcel, or based on the off-site improvement.

NOW, THEREFORE, the parties agree as follows:

- I. **TERM OF AGREEMENT:** This Agreement shall commence as of the date first set out above and shall terminate at the earlier of either of the following: (a) ten years from the date of this Agreement; or (b) the date on which the APPLICANT has been reimbursed completely under the terms of this Agreement. All un-reimbursed charges collected by the DISTRICT thereafter shall become the property of the DISTRICT.
- II. In consideration of the APPLICANT'S construction of and payment for the Improvement as required under the Ordinance, the DISTRICT agrees as follows:
 - A. Should the owner of any of the following parcels not already receiving water service from the DISTRICT request service for such parcel (or portion thereof noted), such service shall be provided only after payment to the DISTRICT by the owner of the amount of a connection charge of \$1,709.53 per acre, as shown on Exhibit "B" which includes current and future administrative expenses.
 1. Assessor Parcel Numbers: 3037-191-01, -04, and -11; and 3037-371-01
 - B. Upon receipt of payment as set out in paragraph II-A above, the DISTRICT shall reimburse to the APPLICANT a sum of \$1,486.54 per acre computed in accordance with the Ordinance, for the APPLICANT'S actual cost of constructing the Improvement at the time of doing so, as set out in Exhibit "B".
 - C. Notwithstanding the foregoing, no such reimbursement shall be made to the APPLICANT unless and until the DISTRICT has received in full the payment set out in paragraph II-A above.
- III. This Agreement may be sold, conveyed, or assigned by the original signatory APPLICANT. The DISTRICT will honor the Agreement, which has been transferred, provided that such transfer has been legally conducted and is evidenced by a document recorded with the County Recorder.

IV. This Agreement constitutes the entire agreement between the parties.

DISTRICT

APPLICANT

DENNIS HANSBERGER, Chairman,
Board of Supervisors, San Bernardino County,
acting in its capacity as the governing body
County Service Area 70, Improvement Zone L

ARTHUR L. SHORT

ATTEST:

Deputy

APPROVED AS TO FORM:

Date_____

Deputy County Counsel

EXHIBIT B

REIMBURSEMENT AGREEMENT COST BREAKDOWN

PROJECT COSTS:

Total Costs for Construction, Engineering & Permit Fees

as accepted by the District \$ 52,118.00

Special Districts Administration

Fee (15%) \$ 7,818.00

TOTAL COST TO BE APPORTIONED

OVER AREA OF BENEFIT (35.06 acres) \$ 59,936.00

Cost per acre to be collected \$59,936 / 35.06 acres \$1,709.53/acre
By District

Cost per acre to be considered \$52,118 / 35.06 acres \$1,486.54/acre
For reimbursement

COST BREAKDOWN TO PARCELS THAT MAY RECEIVE BENEFIT FROM WATER LINE

| Parcel No. | No. of Acres That Benefit | Amount To Be Collected by Dist. | Reimbursement To Mr. Short |
|--------------------|--------------------------------------|--|---------------------------------------|
| 3037-191-01 | 2.07 | \$ 3,538.73 | \$ 3,077.14 |
| 3037-191-02 | 0.00 | \$ - | \$ - |
| 3037-191-04 | 7.31 | \$ 12,496.66 | \$ 10,866.61 |
| 3037-191-11 | 8.97 | \$ 15,334.48 | \$ 13,334.26 |
| 3037-371-01(Short) | 16.71 | \$ 28,566.25 | \$ - |
| TOTAL | 35.06 | \$ 59,936.12 | \$ 27,278.01 |